



## North Delta CARES Action Committee

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**"'Coequal goals' means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals SHALL BE ACHIEVED (emphasis added) in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." (CA Water Code §85054)**

February 28, 2017

Delta Protection Commission  
2101 Stone Boulevard  
West Sacramento, CA 95691

Delta Stewardship Council  
980 9<sup>th</sup> Street, Ste. 1500  
Sacramento, CA 95814

Attention: Mr. Erik Vink, Executive Director, DPC;  
and Mr. Randy Fiorini, Chairman, DSC

RE: Delta Levee Investment Strategy (DLIS) and Delta  
Flood Risk Management Assessment District  
Feasibility Study (DFRMADF)

Dear Sirs,

The Public has been attending numerous meetings, has read volumes of information and submits the following comments for inclusion in decision making by the Delta Protection Commission, the Delta Conservancy, and the Delta Stewardship Council on the Delta Levee Investment Strategy and the Delta Flood Risk Management Assessment District Feasibility Study proposals.

North Delta CARES brings your attention to the attached February 23, 2014, letter from Dr. Gerald Meral, Natural Heritage Institute, to Erik Vink, Executive Director - Delta Protection Commission, regarding "Scope of Work: Delta Flood Risk Management Assessment District". This letter contains suggested and disturbing guidelines as well as strong verbiage such as "... the District MUST consider all expenditures in the context of the overall ecological, water supply, and recreational benefits of the Delta. The Delta Plan should be used to guide expenditures."

North Delta CARES asserts that the guidelines given to the contracting firm MUST define their work according to the State Water Code, and in this case, the consulting firm must follow the law that states **The coequal goals SHALL BE ACHIEVED (emphasis added) in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.**

Overall, Dr. Meral's letter stresses that the ecological benefits receive (very) high priority for future delta levee expenditures. It suggests 5 classifications of islands and how to prioritize the revenue collected by the Assessment District. North Delta CARES agrees that the ecological benefits are important and should be one of the priorities, as it is one of the co-equal goals in Water Code 85054. However, Dr. Meral's letter states "All expenditures by the District MUST (emphasis added) result in a net benefit to fish and wildlife resources, consistent with California's coequal goals of providing a more reliable water supply to California and restoring and enhancing the Delta ecosystem. ... and (3) comply with other applicable laws including state and federal endangered species acts," and also refers Mr. Vink specifically to Water Code Sections 12311, 12314, 12987, and 78543. Dr. Meral fails to quote or refer to the complete Water Code Section 85054 anywhere in his letter/proposed guidelines, which states, **"the coequal goals SHALL BE ACHIEVED (emphasis added) in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."** North Delta CARES asserts that the proposal by M-cubed, consultants for the DPC, fails to incorporate this statement into the finding for its final proposal.

North Delta CARES further asserts that Dr. Meral's letter provides no guidelines to the Delta Protection Commission, or its consulting firm, M-cubed, that protect or enhance the unique cultural, (existing) recreational, natural resources, or agricultural values of the Delta's Primary or Secondary Zones. In the Delta Stewardship Council's ranking process, the levees in these two regions are identified as "other", not receiving a priority and making their maintenance and improvements uncertain and undetermined. It can only be assumed that these very important levees which protect the unique cultural, (existing) recreational, natural resource and agricultural values of the Delta are going to be placed in an uncertain category that resembles the vague term, "adaptive management".

Dr. Meral was in attendance at the Delta Stewardship Council DLIS workshop on January 24, 2017, in Walnut Grove with the DSC and the two consulting firms, Arcadis and M-cubed, leading that meeting. North Delta CARES requests to know why the Natural Heritage Institute is allowed to define the scope of work for the DPC, the consulting firm(s) chosen, and ultimately for the proposed Delta Flood Risk Management Assessment District? Did either the Delta Stewardship Council or the Delta Protection Commission endorse this letter and give it to Arcadis and M-cubed for their guidelines in creating their proposal? Did DSC and DPC give any additional guidelines? Were either of these consulting firms told to create their proposals in a way that fulfills the complete Water Code Section 85054 and was that clearly defined for them?

As a result of this meeting in Walnut Grove, it appears to North Delta CARES that overall the Primary and Secondary Zones cultural, recreational, natural resources and

agriculture are not being protected by the proposals from Arcadis or M-cubed. The Delta Plan's protection of agriculture will only be rhetoric unless it is actively enforced and Dr. Meral's letter demonstrates the unfairness to Delta agriculture implicit in the proposed Delta Levees Investment Strategy as well as the Delta Flood Risk Management Assessment District Feasibility Study.

North Delta CARES has additional comments to make, and requests that this letter be a place holder for additional information around the following subjects:

- Direct Cost Sharing w/ cost contributors becoming revenue contributors
- Levee Integrity Geophysics Studies
- Levee Engineering information that has been ignored
- State's assumption to maintain federal levees
- Ground truthing on fragility curves
- Dynamics of current flow changes from breaks on adjacent levees
- State mandated annual levee inspection reports – budgets

National Implications:

- Implications on other States
- Clean Water Act Amendments
- Liberty Island Research – University of Washington School of Fisheries
- McCormack-Williamson Tract – UC Davis Hydrology Department – TNC
- Estuarine marsh restoration projects at the mouths of rivers
- United Nations programs in other estuaries of the world

We also request legal financial obligations cost-share benefits/distributions be rechecked and/or renegotiated as follows:

1. Revamp legal obligations already existing.
2. Re-negotiation cost-share distribution recommended to the Legislature for revisions of the Water Code.
3. Water Contractors to pay their fair share of system delivery costs upstream.
4. Redo Arcadis' valuations methodology.

North Delta CARES requests a meeting with the consultants Arcadis and M-cubed to discuss how the complete Water Code Section 85054 should be incorporated in to their two proposals.

Thank you,

/sg/ Barbara Daly (for)

North Delta CARES Action Committee

Cc Sacramento County Supervisor Don Nottoli  
Yolo County Supervisor Oscar Villegas  
Solano County Supervisor Skip Thompson  
San Joaquin County Supervisor Chuck Winn  
Contra Costa County Supervisor Diane Burgis  
Delta Conservancy  
Delta Protection Commission Advisory Committee

Attachment:

February 23, 2014, Letter - Dr. Gerald Meral, Natural Heritage Institute, to  
Mr. Erik Vink, Executive Director, Delta Protection Commission